

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5073 of 2020**

1. Sanjeev Kumar Sidar S/o Shri Raghunath, Aged About 43 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sero, District Janjgir - Champa, Chhattisgarh
2. Kedar Nath Shrivastava S/o Shri Bahadur Shrivastava, Aged About 42 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sero, District Janjgir Champa Chhattisgarh
3. Suresh Kumar Rathore S/o Shri Jeewan Lal Rathore, Aged About 31 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sero, District Janjgir Champa Chhattisgarh
4. Gautam Das Mahant S/o Shri Agar Das, Aged About 26 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sero, District Janjgir Champa Chhattisgarh
5. Manohar Lal Sahu S/o Shri Adra Ram Sahu, Aged About 29 Years Working As Pointer, At Paddy Collection Center Mandi Premise Sero, District Janjgir Champa Chhattisgarh
6. Sukhi Ram Nishad S/o Shri Budhram, Aged About 47 Years Working As Chaukidar, At Paddy Collection Center Mandi Premise Sero, District Janjgir Champa Chhattisgarh
7. Vinod Kumar Dinkar S/o Shri Bhajan Lal, Aged About 30 Years Working As Chaukidar, At Paddy Collection Center Mandi Premise Sero, District Janjgir Champa Chhattisgarh
8. Anthony Lahre S/o Shri Banshi Lal, Aged About 35 Years Working As Chaukidar, At Paddy Collection Center Mandi Premise Sero, District Janjgir Champa Chhattisgarh
9. Laxmi Prasad Dansena S/o Shri Fagulal Dansena, Aged About 45 Years Working As Chaukidar, At Paddy Collection Center Mandi Premise Sero, District Janjgir Champa Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Cooperative Department, Mahanadi Bhawan, Mantralaya, New Raipur, P.S. Rakhi, District Raipur Chhattisgarh
2. The General Manager, Chhattisgarh State Cooperative Marketing Federation Ltd., 6th Floor, Tower - C, Commercial Complex, C.B.T.

Sector - 21, Naya Raipur, Atal Nagar, Chhattisgarh

3. The Collector, District Janjgir Champa, Chhattisgarh
4. District Marketing Officer, Chhattisgarh State Cooperative Marketing Federation Ltd., District Janjgir Champa Chhattisgarh
5. The Deputy Registrar, Cooperative Societies, District Janjgir Champa Chhattisgarh
6. In - Charge Officer / Field Assistant Paddy Collection Center, Mandi Premise Sero, District Janjgir Champa, Chhattisgarh
7. In - Charge Officer / Field Assistant Paddy Collection Center, Mandi Premise Bodasagar, District Janjgir Champa, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Jeet Patel, Advocate
For Respondents 2 & 4	:	Mr. Keshav Dewangan, Advocate
For State	:	Mr. Sudeep Verma, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

04.01.2021

1. The default pointed out by the Registry is ignored and with the consent of the parties the matter was heard finally at motion stage.
2. The present writ petition has been filed for the following reliefs:

“i. That this Hon'ble Court may kindly be pleased to set aside/quash the letter dated 30.07.2020 (Annexure P-1) issued by the respondent no.2.

ii. That this Hon'ble Court may kindly be pleased to direct the respondents to grant permission to the petitioners for work under the department agency of respondents instead of private agency.

iii. That this Hon'ble Court may kindly be pleased to direct the respondents to decide the petitioners representations dated 19.08.2020.”

3. Annexure P-1 is a document issued by the respondent no.2 to the respondent no.4 for determining the charges which would be charged and collected from the contractors engaged by the respondent no.2 for collection and maintenance of paddy till it is collected by the rice millers.
4. At the outset, on a specific query being put to the counsel for the petitioners, it is reflected that the petitioners herein were never engaged directly by the respondents 2 & 4 but were engaged by the contractor who was awarded the contract by the respondent no.2.
5. The claim of the petitioners is that they should not be treated to be the employee of the contractor but be treated as employee of the Department.
6. As regards the prayer of the petitioners for being treated as permanent employee of the Department, it has been specifically contended by the counsel for the respondents 2 & 4 that the collection of paddy is done only for a short period of time i.e. normally between November to February which in this year shall be collected between December to February and thereafter, there is no availability of work for which the petitioners are engaged for and therefore, they cannot claim for the same nor can they be made permanent employee of the Department.
7. Given the nature of engagement of the petitioners and on perusal of the record what reflects is that the engagement of the petitioners was for a limited period of time and beyond which there is non availability of work. Moreover, each department has its own specific cadre strength and there cannot be any engagement of employee beyond the cadre strength, The Department has its service regulations regarding

appointment/recruitment which has also to be followed before an appointment is done. The petitioners having been engaged without taking into consideration the aforesaid factual details, this Court does not find any strong case made out by the petitioners granting the reliefs that they have sought for.

8. The writ petition being devoid of merits deserves to be and is accordingly dismissed.

**Sd/-
P. Sam Koshy
Judge**